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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 994/2006

SUBHASH CHAND & ORS. Vs. STATE OF RAJASTHAN

DATE: 12.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. R.K. Mathur for the accused-petitioners.
Mr. B.S. Chhaba, Public Prosecutor for the State.

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioners against the order dated 10.08.2006 passed by the Additional District & Sessions Judge (Fast Track), Kishangarg Bas, District Alwar in Sessions Case No 31/2006, whereby charge for the offence under Section 304 IPC has been framed against the accused-petitioners.

Having heard learned counsel for the accused-petitioners, learned Public Prosecutor for the State and after going through the impugned order dated 10.08.2006 as also the relevant record, I find illegality and error apparent on the face of the record in the impugned order dated 10.08.2006 by which charge has been framed against the accused-petitioners for the offence under Section 304 IPC and the matter is required to be adjudicated freshly as the Court below

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has not properly considered the material available on record while passing the impugned order.

Therefore, in the interest of justice, the impugned order dated 10.08.2006 passed by the Additional District & Sessions Judge (Fast Track), Kishangarh Bas, District Alwar is herewith quashed and set-aside and the matter is remanded back to the Court below for fresh adjudication as per the material available on record and shall pass fresh order in accordance with the provisions of law.

With these observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE), J.

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